

**120 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRWP NO. 8137 OF 2023 (O&M)
DATE OF DECISION : 21.08.2023****Divyansh and another****...Petitioners****Versus****State of U.T. Chandigarh and others****...Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA****Present :** Mr.Amandeep Singh Gulati, Advocate,
for the petitioners.

Mr. Vipin Pal Yadav, APP, UT, Chandigarh.

ARUN MONGA, J. (ORAL)

Issuance of a writ in the nature of mandamus is sought herein, directing respondents no.1 to 3 to take steps for protection of petitioners' life and liberty who got married on 16.08.2023, but their families have not approved their marriage.

2. Notice of motion to the official respondents.

3. Learned APP on service of advance copy of the petition appears and accepts notice on behalf of the respondent-UT, Chandigarh.

4. Given the nature of the order being passed, there is no necessity to seek any return by the official respondents or even to serve the private respondents No.4 and 5.

4. Facts, as pleaded in the petition, succinctly are that petitioner no.2 is a 38 years old widow and a mother of two children. Children are living with her. Petitioner no.1, 24 years old, now her husband, fell in love with her. But his family members were against his wish to marry her. However, petitioners got married on 16.08.2023 according to Hindu Rites. Petitioners state that after their marriage, private respondents are issuing threat to eliminate them in order to save their family prestige.

5. In the circumstances, the petitioners approached respondent No.2 i.e. the Senior Superintendent of Police, Chandigarh and submitted a representation dated 16.08.2023 (Annexure P-5) to safeguard their life and liberty, but no action is being taken on the same. Hence the present criminal writ petition.

6. I have heard learned counsel for the petitioners, as also learned APP. Without going into the merits of legitimacy of the relationship of the petitioners, I am of the view that the petitioners are entitled to seek protection of their life and liberty, even if it were a case of no marriage but merely a consensual relationship.

7. Both petitioners are major and it is the first marriage of petitioner no.1 and petitioner no.2 is a widow. Both are adults, thus fully capable and legally competent to take decision to choose their respective life partners. In the premise, petition is disposed of with a direction to respondents No.2 and 3 i.e. Senior Superintendent of Police, Chandigarh and Station House Officer, Police Station Sector-56, Chandigarh, respectively that the contents of the representation dated 16.08.2023 (Annexure P-5) seeking protection of life and liberty be duly verified. If warranted, requisite steps be taken, in accordance with law for grant of protection of life and liberty to the petitioners. It is clarified that this order shall neither be treated as a stamp of this Court qua marriage of the petitioners nor any reflection on the merits of the contentions raised by them in the present petition.

8. The criminal writ petition is, accordingly, disposed of.

(ARUN MONGA)
JUDGE

21.08.2023
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Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No